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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/821,400	03/29/2001	Naishin Seki	JP919990315US1(590.048)	3587
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35195 7590 04/18/2006

FERENCE & ASSOCIATES
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PITTSBURGH, PA 15143

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,400

Applicant(s)

SEKI ET AL.

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to RCE amendment filed on March 6, 2006, where applicant amended claims 1,3,6,10,11,13,16-19. Claims 1-6,8-20 are pending.

Response to Arguments

2. Applicant's arguments filed 3/6/2006 have been fully considered but they are not persuasive.
3. Applicant argues that Chang does not disclose "wherein said user terminal transmits to said web page acquisition server a web page acquisition list comprising non-overlapping web page acquisition requests...".

In reply, the limitation of where a user terminal sends a list of non-overlapping web page acquisition requests to the acquisition server is not enabled by the specification. Nowhere in the specification is this concept disclosed so as to allow one of ordinary skill in the art to make and use the invention. Contrary to what is claimed, on page 22 of applicant's specification, applicant states that the acquisition server receives requests from multiple users (not just a single user) and it is the acquisition server that prepares a list of non-overlapping entries. Therefore this limitation is not enabled by applicant's specification and does not overcome the Chang reference.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1,6,10,13,16,17,18,19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The amended limitation (ex. Claim 1 lines 5-6) of where a user terminal sends a list of non-over-lapping web page acquisition requests to the acquisition server is not enabled by the specification. Nowhere in the specification is this concept disclosed and so it would require undue experimentation by one of ordinary skill in the art to make and user the invention. On page 22 of applicants specification, applicant states that the acquisition server receives requests from multiple users (not just a single user) and it is the acquisition server that prepares a list of non-overlapping entries, which is contrary to applicants amended claim limitations. Therefore this limitation is not enabled by applicants specification and does not overcome the Chang reference.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-6,8-19 rejected under 35 U.S.C. 102(a) as being anticipated by Chang et al. (US Patent No 6,134,584).**

8. In reference to independent claims 1,6,10,13 and 16-19, Chang teaches a web page acquisition system, provider, method, computer readable memory and program of instructions, all respectively comprising:

a web page acquisition server and a user terminal, both of which are connected to a communication network, wherein said user terminal transmits to said web page acquisition server a web page acquisition request that includes various acquisition conditions (column 2 lines 20-40, column 3 lines 25-55, and column 7 lines 1-15 & 45-50);

wherein, in accordance with said acquisition conditions included in said web page acquisition request received from said user terminal and at least one predetermined scheduling rule, said web page acquisition server acquires a web page source from a web server on said communication network and transmits said web page source to said user terminal (column 4 lines 23-50, column 5 line 65 – column 6 line 25 and column 7 lines 1-15 & 45-50, Chang teaches that a ‘destination entity’ (i.e. applicants *web page acquisition server*) acquires web page data from a ‘web page source entity’ (i.e. applicants *web server*), based on a requesting message from

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a 'requesting computer system' (i.e. applicants *user terminal*). The 'destination entity' then transmits the web page to the 'requesting computer system'. Chang also teaches a 'Data Download Scheduler' (i.e. applicants *scheduling rule*)); and

wherein said web page source is formed into a library file that, in accordance with said web page acquisition request, is obtained and held in said web page acquisition server, and is transmitted to said user terminal (column 7 lines 46-57).

9. In reference to claims 2 and 11, Chang teaches web page acquisition service system and method according to claims 1 and 13:

wherein, as one of said acquisition conditions included in said web page acquisition request, said user terminal designates a time condition for the acquisition of a web page source (column 6 lines 47-67); and

wherein, in accordance with said time condition designated in said web page acquisition request, said web page acquisition server acquires said web page source and transmits said web page source to said user terminal (Summary, column 6 lines 40-67 and column 7 lines 30-55).

10. In reference to claims 3,4 and 12, Chang teaches web page acquisition service system and method according to claims 2 and 11,

wherein said web page acquisition server performs scheduling for the acquisition of a web page source, while taking into account said time condition that is designated in said web page acquisition request and a volume of the communication traffic carried by said communication network (Summary, column 2 lines 20-40 and column 6 lines 1-40).

11. In reference to claim 5, Chang teaches web page acquisition service system according to claim 1,

wherein, when said web page acquisition server receives from a plurality of user terminals a plurality of web page acquisition requests for the same page, said web page acquisition server obtains and archives a corresponding web page source for said plurality of requests, and transmits said web page source to said user terminals that issued said web page acquisition requests (Summary and column 2 lines 20-40).

12. In reference to claim 8, Chang teaches provider according to claim 7, wherein when a limitation is placed on the size of a data file that said user terminal, which is a web page source transmission destination, can receive as a single transmission, said transmission control unit divides, into segments having an appropriate size for said user terminal, said web page source that is held in said web page acquisition/archiving unit, and forms said segments into library files (Summary, column 2 lines 20-40 and column 7 lines 20-55).

13. In reference to claim 9, Chang teaches provider according to claim 6, wherein said transmission control unit changes a link for said web page source held by said web page acquisition/archiving unit from an absolute link based on the URL of a web page source, into a relative link (Summary, column 2 lines 20-40 and column 6).

14. In reference to claim 14, Chang teaches the method according to claim 13, wherein said step for issuing said web page transmission request includes a step of: issuing, upon the receipt of a notification indicating that a web page has been acquired by said provider, said web page transmission request to said provider, regardless of the time condition that is included in said web page acquisition conditions (Summary, column 2 lines 20-40 and column 7 lines 20-55).

15. In reference to claim 15, Chang teaches the method according to claim 13, wherein said step of receiving said web page source, is in the form of a library file (column 7 lines 46-57).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US Patent No 6,134,584) in view of Reha et al (US Patent No 6,282,709).**

Chang teaches the web page acquisition service according to claim 1. Chang fails to explicitly teach wherein, said at least one predetermined scheduling rule comprises the acquisition of a web page source occurring during a time period during which a volume of communication is small. However, Reha teaches downloading software updates which includes a scheduler for scheduling downloading during non-peak connection times to make the system more efficient and user friendly (column 1 lines 50-67 and column 10 lines 15-30).

It would have been obvious for one of ordinary skill in the art to modify Chang by making the at least one predetermined scheduling rule comprise the acquisition of a web page source occurring during a time period during which a volume of communication is small as per the teachings of Reha for the purpose of making the system more efficient and user friendly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

April 15, 2006


MUSTAFA ALAMY
PRIMARY EXAMINER